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Suppl.

PATENT I.D.S

Docket No. 377882001720

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Assistant Commissioner for Patents, Washington, D.C. 20231, on March 12, 2002.

Hazel M. Raskowitz
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TECH CENTER 1600/2900

MAR 25 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST et al.

Serial No.: 09/927,884

Filing Date: August 10, 2001

For: IMMUNOMODULATORY
FORMULATIONS AND METHODS
FOR USE THEREOF

Examiner: To Be Assigned

Group Art Unit: 1645

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents numbered 2-4, 6 and 7 listed on the attached Form PTO-1449 were cited in the Search Report mailed on February 11, 2002 (copy attached) directed to a related international application. Please note the cited PCT publication No. WO 00/16804, as well as the cited article "Immunostimulatory DNA sequences function as T helper-1-promoting adjuvant," by Mark Roman et al. were not included on the form 1449 as they were both cited in a previous Information Disclosure Statement submitted on November 13, 2001 for the present application.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 377882001720. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 12, 2002

Respectfully submitted,

By: Karen R. Zachow
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Form PTO-1449

MAR 21 2002

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 377882001720

Application Number 09/927,884

Applicant

Gary VAN NEST et al.

Filing Date August 10, 2001

Group Art Unit 1645

Mailing Date March 12, 2002

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/03/1984	4,458,066	Caruthers et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	2.	09/20/2001	WO 01/68077 A2	WIPO				
	3.	09/20/2001	WO 01/68103 A2	WIPO				
	4.	09/20/2001	WO 01/68116 A2	WIPO				
	5.	09/20/2001	WO 01/68143 A2	WIPO				
	6.	09/20/2001	WO 01/68144 A2	WIPO				
	7.	10/18/2001	WO 01/76642 A1	WIPO				
	8.	09/20/2001	WO 01/68078 A2	WIPO				
	9.	09/20/2001	WO 01/68117 A2	WIPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Please type a plus sign (+) inside this box → ☐

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TRANSMITTAL FORM RECEIVED MAR 25 2002 TECH CENTER 1600/2900	Application Number	09/927,884	
	Filing Date	August 10, 2001	
	First Named Inventor	Gary VAN NEST	
	Group Art Unit	1645	
	Examiner Name	To Be Assigned	
Total Number Of Pages In This Submission	11 + 9 REFS	Attorney Docket No.	377882001720

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (3 pages)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (2 pgs)		

1. Form PTO-1449 plus copy (2 pages)
2. PCT International Search Report (5 pages)
3. Nine (9) References
4. Return Receipt Postcard.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018
Signature	<i>Karen R. Zachow</i>
Date	March 12, 2002

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March 12, 2002

Hazel M. Kaskowitz

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